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Security Council

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Security Council Committee established pursuant to resolution 1267 (1999) concerning Afghanistan

Note verbale dated 21 June 2002 from the Permanent Observer Mission of Switzerland to the United Nations addressed to the Chairman of the Committee

The Permanent Observer Mission of Switzerland to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) and, with reference to the note from the Chairman of the Committee dated 7 March 2002, has the honour to transmit herewith the report concerning the implementation of resolution 1390 (2002) by Switzerland (see annex).

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Annex

Report prepared by Switzerland in pursuance of Security Council resolution 1390 (2002)

Security Council resolution 1390 (2002) urges all States to inform the Security Council Committee established pursuant to resolution 1267 (1999) of the arrangements they have made to implement the measures enumerated in paragraph 2 of resolution 1390 (2002).

As a non-Member of the United Nations, Switzerland has independently and systematically applied Security Council resolutions 1267 (1999) and 1333 (2000). To this effect, on 2 October 2000 the Federal Council (Swiss Government) adopted the "Ordinance instituting measures against the Taliban". Following the adoption of resolutions 1388 (2002) and 1390 (2002) by the Security Council, the Federal Council modified this Ordinance on 1 May 2002. The Ordinance, now entitled "Ordinance instituting measures against persons and entities linked to Usama bin Laden, the Al-Qaida group or the Taliban" contains all the provisions necessary to implement the measures envisaged in paragraph 2 of resolution 1390 (2002). The annex to the Ordinance lists the names of natural or juridical persons, groups and entities subject to sanctions. The Ordinance and its annex can be consulted in French and German on the web site of the State Secretariat for Economic Affairs (www.seco-admin.ch, via "Foreign trade policy", "Export controls and sanctions", "Sanctions").

Freezing of assets

The list of natural or juridical persons, groups and entities subject to the financial sanctions imposed by resolutions 1267 (1999) and 1333 (2000) has been modified several times by the Sanctions Committee. The annex to the above-mentioned Ordinance has been rapidly and successively altered to reflect these changes. Each modification of the Ordinance and its annex is published in the official compendium of legal texts and on the Internet. In order to inform the public at large and the media, a press communiqué is circulated regularly. In order to ensure rapid and effective implementation, banks and other financial intermediaries operating in Swiss territory are immediately alerted, by e-mail and other means, to any change in the list of persons covered by the financial sanctions.

Assets belonging to natural or juridical persons, groups or entities listed in the annex to the Ordinance or controlled by them are automatically frozen. Any person holding or managing assets acknowledged to be covered by this freezing of assets must immediately declare them to the State Secretariat for Economic Affairs. The declaration must give the name of the beneficiary, the purpose and the amount of the assets frozen. In addition, it is prohibited to provide funds, or make them available directly or indirectly, to natural or juridical persons, groups or entities listed in the annex. Exceptionally, payments from frozen accounts and transfers of frozen capital assets may be authorized if they serve to protect Swiss interests or to prevent hardship cases.

As at 31 May 2002, 69 bank accounts with a total of 34 million Swiss francs were frozen in accordance with resolution 1390 (2002) and earlier resolutions. Following the adoption of resolution 1388 (2002) and the decisions of the Sanctions Committee to lift the financial sanctions against certain entities initially designated

on the basis of resolution 1267 (1999), nine bank accounts with a total of 8 million Swiss francs were unfrozen in January 2002.

Ban on entry and transit

The travel restrictions recommended by resolution 1333 (2000) were implemented in Switzerland by the Ordinance instituting measures against the Taliban of 2 October 2000. With the adoption of resolution 1390 (2002), the Security Council decided that the ban on entry or transit would apply to any person on the list drawn up by the Sanctions Committee established pursuant to resolution 1267 (1999). In Switzerland, this measure was duly implemented by modification of the Ordinance on 1 May 2002. Thus entry into and transit through Switzerland are prohibited for the natural persons listed in the annex to this Ordinance. The Swiss authorities may, in compliance with decisions of the United Nations Security Council or for the protection of Swiss interests, grant waivers. Swiss missions abroad and customs authorities are kept regularly informed and have the updated list of persons subject to travel restrictions.

Ban on the supply of military equipment and similar goods

The embargo on military equipment and similar goods imposed by resolution 1267 (1999) has been implemented in Switzerland by the Ordinance instituting measures against the Taliban of 2 October 2000. Before the entry into force of this Ordinance, exports of military equipment to Afghanistan were subject to the permit system established by the federal law on military materiel.

With the adoption of resolution 1390 (2002), the Security Council decided that this embargo would in future apply to any person on the list drawn up by the Sanctions Committee established pursuant to resolution 1267 (1999). In Switzerland, this measure was implemented when the Ordinance was modified on 1 May 2002. The supply, sale and brokerage of weapons of any kind, including arms and ammunition, military vehicles and equipment, paramilitary materiel and its accessories and spare parts to natural or juridical persons, groups or entities mentioned in the annex to the Ordinance are prohibited. The supply, sale and brokerage of technical advice and means of assistance or training linked to military activities to the same persons are also prohibited.